

(2) issue, not later than 180 days after submission of the report to Congress under paragraph (1), guidance based on such recommendations for articles for use in the prevention, diagnosis, and treatment of rare diseases and for such uses in neglected diseases of the developing world; and

(3) develop, not later than 180 days after submission of the report to Congress under paragraph (1), internal review standards based on such recommendations for articles for use in the prevention, diagnosis, and treatment of rare diseases and for such uses in neglected diseases of the developing world.

SEC. 746. Not later than 60 days after the date of enactment of this Act, the Administrator of the Foreign Agricultural Service shall submit to Congress a report that describes the status of the reorganization of the Foreign Agricultural Service and any future plans of the Administrator to modify office structures to meet existing, emerging, and new priorities.

SEC. 747. None of the funds made available by this Act may be used to pay the salaries and expenses of any employee of the Department of Agriculture to assess any agency any greenbook charge or to use any funds acquired through an assessment of greenbook charges made prior to the date of enactment of this Act.

SEC. 748. The Commissioner of Food and Drugs, in consultation with the Administrator of the National Oceanic and Atmospheric Administration, shall conduct a study and, not later than 240 days after the date of enactment of this Act, submit a report to Congress on the technical challenges associated with inspecting imported seafood. The study and report shall—

(1) provide information on the status of seafood importation, including—

(A) the volume of seafood imported into the United States annually, by product and country of origin;

(B) the number of physical inspections of imported seafood products conducted annually, by product and country of origin; and

(C) a listing of the United States ports of entry for seafood imports by volume;

(2) provide information on imported seafood products, by product and country of origin, that do not meet standards as set forth in the applicable food importation law, including the reason for which each such product does not meet such standards;

(3) identify the fish, crayfish, shellfish, and other sea species most susceptible to violations of the applicable food importation law;

(4) identify the aquaculture and mariculture practices that are of greatest concern to human health; and

(5) suggest methods for improving import inspection policies and procedures to protect consumers in the United States.

SEC. 749. (a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States, shall report to the Committees on Appropriations of the House of Representatives and of the Senate on developing the tourism potential of rural communities.

(b) CONTENT OF THE REPORT.—The report required by subsection (a) shall—

(1) identify existing Federal programs that provide assistance to rural small businesses in developing tourism marketing and promotion plans relating to tourism in rural areas;

(2) identify existing Federal programs that assist rural small business concerns in obtaining capital for starting or expanding businesses primarily serving tourists; and

(3) include recommendations, if any, for improving existing programs or creating new Federal programs that may benefit tourism in rural communities.

SEC. 750. Notwithstanding any other provision of law and until the receipt of the decennial census in the year 2010, the Secretary of Agriculture may fund community facility and water and waste disposal projects of communities and

municipal districts and areas in Connecticut, Massachusetts, and Rhode Island that filed applications for the projects with the appropriate rural development field office of the Department of Agriculture prior to August 1, 2009, and were determined by the field office to be eligible for funding.

SEC. 751. (a) The Senate finds that—

(1) sudden loss in late 2008 of export-market based demand equivalent to about 3 percent of domestic milk production has thrown the U.S. dairy industry into a critical supply-demand imbalance;

(2) an abrupt decline in U.S. exports was fueled by the onset of the global economic crisis combined with resurgence of milk supplies in Oceania;

(3) the U.S. average all-milk price reported by the National Agriculture Statistics Service from January through May of 2009, has averaged \$4.80 per hundredweight below the cost of production;

(4) approximately \$3,900,000,000 in dairy producer equity has been lost since January;

(5) anecdotal evidence suggests that U.S. dairy producers are losing upwards of \$100 per cow per month;

(6) the Food, Conservation, and Energy Act of 2008 extended the counter-cyclical Milk Income Loss Contract (MILC) support program and instituted a ‘feed cost adjuster’ to augment that support;

(7) the Secretary of Agriculture in March transferred approximately 200,000,000 pounds of nonfat dry milk to USDA’s Food and Nutrition Service in a move designed to remove inventory from the market and support low-income families;

(8) the Secretary on March 22nd reactivated USDA’s Dairy Export Incentive Program (DEIP) to help U.S. producers meet prevailing world prices and develop international markets;

(9) the Secretary announced on July 31, 2009 a temporary increase in the amount paid for dairy products through the Dairy Product Price Support Program (DPPSP), an adjustment that is projected to increase dairy farmers’ revenue by \$243,000,000; and

(10) U.S. dairy producers face unprecedented challenges that threaten the stability of the industry, the nation’s milk production infrastructure, and thousands of rural communities.

(b) The Senate states that the Secretary of Agriculture and the President’s Office of Management and Budget should continue to closely monitor the U.S. dairy sector and use all available discretionary authority to ensure its long-term health and sustainability.

SEC. 752. (a) The Commissioner of Food and Drugs, in consultation with the Secretary of Agriculture, may conduct a study on the labeling of personal care products regulated by the Food and Drug Administration for which organic content claims are made. Any such study shall include—

(1) a survey of personal care products for which the word “organic” appears on the label; and

(2) a determination, based on statistical sampling of the products identified under paragraph (1), of the accuracy of such claims.

(b) If the Commissioner of Food and Drugs conducts a study described in subsection (a), such Commissioner shall—

(1) not later than 270 days after the date of enactment of this Act, submit to the Committees on Agriculture, Nutrition, and Forestry, Appropriations, and Health, Education, Labor, and Pensions in the Senate and the Committees on Agriculture, Appropriations, and Energy and Commerce in the House of Representatives a report on the findings of the study under subsection (a); and

(2) provide such Committees with any recommendations on the need to establish labeling standards for personal care products for which organic content claims are made, including whether the Food and Drug Administration

should have pre-market approval authority for personal care product labeling.

SEC. 753. (a) The Senate finds that—

(1) agriculture is a national security concern;

(2) the United States suffers from periodic disasters which affects the food and fiber supply of the United States;

(3) the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8701 et seq.) established 5 permanent disaster programs to deliver timely and immediate assistance to agricultural producers recovering from losses;

(4) as of the date of enactment of this Act, of those 5 disaster programs—

(A) none are available, finalized, and implemented to deliver urgently needed assistance for 2009 producer losses; and

(B) only 1 is being implemented for 2008 losses;

(5) according to the Drought Monitor, the State of Texas is suffering from extreme and exceptional drought conditions, the highest level of severity; and

(6) the Secretary of Agriculture has previously authorized various forms of disaster assistance by providing funding under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), and through the Commodity Credit Corporation.

(b) It is the sense of the Senate that the Secretary of Agriculture should use all of the discretionary authority available to the Secretary to make available immediate relief and assistance for agricultural producers suffering losses as a result of the 2009 droughts.

SEC. 754. (a) The Senate finds that—

(1) with livestock producers facing losses from harsh weather in 2008 and continuing to face disasters in 2009, Congress wanted to assist livestock producers in recovering losses more quickly and efficiently than previous ad hoc disaster assistance programs;

(2) on June 18, 2008, Congress established the livestock indemnity program under section 531(c) of the Federal Crop Insurance Act (7 U.S.C. 1531(c)) and section 901(c) of the Trade Act of 1974 (19 U.S.C. 2497(c)) as a permanent disaster assistance program to provide livestock producers with payments of 75 percent of the fair market value for livestock losses as a result of adverse weather such as floods, blizzards, and extreme heat;

(3) on July 13, 2009, the Secretary of Agriculture promulgated rules for the livestock indemnity program that separated non adult beef animals into weight ranges of “less than 400 pounds” and “400 pounds and more”; and

(4) the “400 pounds and more” range would fall well short of covering 75 percent market value payment for livestock in these higher ranges that are close to market weight.

(b) It is the sense of the Senate that the Secretary of Agriculture—

(1) should strive to establish a methodology to calculate more specific payments to offset the cost of loss for each animal as was intended by Congress for calendar years 2008 through 2011; and

(2) should work with groups representing affected livestock producers to come up with this more precise methodology.

This Act may be cited as the “Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010”.

## UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, first of all, let me say this. This has taken a lot of time today. Senator MCCONNELL and I have had many meetings and many discussions. This whole consent agreement has been very difficult for everyone, but I think it accomplishes what we need to accomplish.

Mr. President, I ask unanimous consent that tomorrow, Thursday, August

6, at 10 a.m., the Senate proceed to executive session to resume consideration of Executive Calendar No. 309, the nomination of Sonia Sotomayor to be an Associate Justice of the Supreme Court, and that the time until 2 p.m. be divided equally in alternating 1-hour blocks with the Republicans controlling the first hour; that at 2 p.m. the time be divided 15 minutes each as follows: Senator SESSIONS, Senator LEAHY, Senator MCCONNELL and Senator REID, in that order; that at 3 p.m., without further intervening action or debate, the Senate proceed to vote on confirmation of the nomination of Sonia Sotomayor; that upon confirmation, the motion to reconsider be laid upon the table, no further motions be in order, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### UNANIMOUS CONSENT AGREEMENT—H.R. 3435 AND S. 1023

Mr. REID. Mr. President, I further ask unanimous consent that upon disposition of the nomination of Justice Sotomayor and the Senate resuming legislative session, the Senate then proceed to consideration of Calendar No. 146, H.R. 3435; that the bill be considered under the following limitations; that each amendment be debated for a period of 30 minutes, equally divided and controlled in the usual form; that if there is a sequence of votes, then prior to each vote there be 2 minutes of debate, equally divided and controlled in the usual form; that after the first vote in a sequence, the remaining votes be limited to 10 minutes each: Harkin amendment regarding income limits, the Kyl amendment regarding status report substitute, the Gregg amendment regarding the budget resolution, the Vitter amendment regarding termination of TARP, the Coburn amendment regarding donations, the Thune amendment regarding government ownership plan, and the Isakson amendment regarding home purchases; that once the agreement is entered, the amendments be filed at the desk and printed in the RECORD; further, that upon disposition of the listed amendments, the bill be read a third time, the Senate proceed to vote on passage of the bill; provided further that on Tuesday, September 8, at 5:30 p.m., the Senate proceed to the motion to reconsider the vote by which cloture was not invoked on the Dorgan amendment No. 1347 to S. 1025, the Travel Promotion Act, and that the motion to proceed be agreed to, and the Senate then vote on the motion to invoke cloture on the Dorgan amendment; that if cloture is invoked on the amendment, then postcloture time be considered to have begun running at 10:30 a.m., Tuesday, September 8.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, on the final paragraph of my consent agreement, where I said that the Senate proceed to the motion to reconsider the vote by which cloture was not invoked on the Dorgan amendment No. 1347 to S. 1025, it should be S. 1023.

And Mr. President, the record should be very clear that the vote we take Monday night on the Travel Promotion Act is only on cloture. The 30 hours would still run and we would have to have final passage on the bill whenever the 30 hours runs out or whenever there is an agreement that we can vote on it.

So Mr. President, I further ask unanimous consent that after the 30 hours is up, at the end of postcloture time, the amendment be agreed to, and the bill be read a third time and the Senate vote on passage of the legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### FEMA ACCOUNTABILITY ACT OF 2009

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 69, S. 713.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 713) to require the administrator of the Federal Emergency Management Agency to quickly and fairly address the abundance of surplus manufactured housing units stored by the Federal Government around the country at taxpayer expense.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment; as follows:

(The part of the bill intended to be stricken is shown in boldface brackets and the part of the bill intended to be inserted is shown in italic.)

S. 713

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE; DEFINITIONS.

(a) SHORT TITLE.—This Act may be cited as the “FEMA Accountability Act of 2009”.

(b) DEFINITIONS.—In this Act—

(1) the term “Administrator” means the Administrator of FEMA;

(2) the terms “emergency” and “major disaster” have the meanings given such terms in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122); and

(3) the term “FEMA” means the Federal Emergency Management Agency.

#### SEC. 2. TRANSFER, STORAGE, SALE, AND DISPOSAL OF HOUSING UNITS.

(a) IN GENERAL.—Not later than 3 months after the date of enactment of this Act, the Administrator shall—

(1) complete an assessment to determine the number of temporary housing units purchased by FEMA that FEMA needs to maintain in stock to respond appropriately to emergencies or major disasters occurring after the date of enactment of this Act; and

(2) establish criteria for determining whether the individual temporary housing units stored by FEMA are in usable condition, which shall include appropriate criteria for formaldehyde testing and exposure of the individual temporary housing units.

(b) PLAN.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator shall establish a plan for—

(A) storing the number of temporary housing units that the Administrator has determined under subsection (a)(1) that FEMA needs to maintain in stock;

(B) transferring, selling, or otherwise disposing of the temporary housing units in the inventory of FEMA that—

(i) are in excess of the number of temporary housing units that the Administrator has determined under subsection (a)(1) that FEMA needs to maintain in stock; and

(ii) are in usable condition, based on the criteria established under subsection (a)(2); and

(C) disposing of the temporary housing units in the inventory of FEMA that the Administrator determines are not in usable condition, based on the criteria established under subsection (a)(2).

(2) APPLICABILITY OF DISPOSAL REQUIREMENTS.—The plan established under paragraph (1) shall be subject to the requirements of section 408(d)(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(d)(2)) and other applicable provisions of law.

(c) IMPLEMENTATION.—Not later than 9 months after the date of enactment of this Act, the Administrator shall implement the plan described in subsection (b).

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of the Senate and the House of Representatives a report on the status of the transfer, distribution, sale, or other disposal of [the unused temporary housing units purchased by FEMA.] *temporary housing units under this section.*

Mr. WARNER. Mr. President, I ask unanimous consent that the committee-reported amendment be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements related thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Committee amendment was agreed to.

The bill (S. 713), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 713

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE; DEFINITIONS.

(a) SHORT TITLE.—This Act may be cited as the “FEMA Accountability Act of 2009”.

(b) DEFINITIONS.—In this Act—

(1) the term “Administrator” means the Administrator of FEMA;